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UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

OALJ Case No. 2017-OFC-00004

OFCCP No. R00197955

**FILED UNDER SEAL**

RECEIVED

APR 25 2017

Office of Administrative Law Judges  
San Francisco, Ca

**DECLARATION OF JANET M. HEROLD IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO GOOGLE'S MOTION TO DISMISS**

*Case Subject to Expedited Proceedings under 41 C.F.R. § 60-30.31*

I, JANET M. HEROLD, hereby declare as follows:

1. I am the Regional Solicitor for Region IX of the Office of the Solicitor for the U.S. Department of Labor. If called as a witness, I could and would testify competently to the matters set forth in this Declaration.

2. In the early morning of April 7, 2017, the Office of the Solicitor and the Office of Press Affairs for the Department of Labor advised me that I would be the designated media contact for the April 7, 2017 hearing in this expedited proceeding. The Office of Public Affairs referred some of the many media inquiries about the hearing throughout the day to me for response. Some of the inquiries were responded to by the Office of Press Affairs at the national office. Inquiries came in from the press throughout the day and into the evening, beginning at roughly mid-day on April 7, 2017, when the lunch break of the hearing commenced.

3. Prior to the lunch break of the hearing on April 7, 2017, I was advised that the

*The Guardian* had published an article regarding the hearing. The first report published concerned itself with the testimony given by Regional Director Janette Wipper. Shortly after that first published article, the article was updated to include comments issued by Google in some type of press release or statement issued by Google to the press. I briefly saw the original article published by *The Guardian* and the updated article (which included statements issued by Google) in the hours before the lunch break. About halfway through the lunch break, I received the first call from a reporter routed to me for response, consistent with the designation made earlier in the day. During that lunch break, I received inquiries from numerous members of the press.

4. In the middle of the numerous inquiries, I recall speaking to a reporter with *The Guardian* inquiring about the Department's "response" to Google's press comments. I confirmed that Google's press statement did not alter the Department's position, as articulated by Regional Director Wipper. Many press representatives, including *The Guardian*, inquired whether the preliminary analyses as to which Regional Director Wipper testified were final. I repeatedly answered that OFCCP's investigation was not complete and that OFCCP required the additional information sought to complete its investigation. I confirmed the accuracy of Regional Director Wipper's testimony regarding the systemic discrimination against women in compensation revealed by OFCCP's preliminary analyses. I gave no additional detail than that provided by Regional Director Wipper in her testimony.

5. Later that afternoon, it came to my attention that *The Guardian* posted another update to its earlier two versions of the article which appeared to quote my comments from the conversation that occurred late in the lunch break. That first update after lunch attributed my comments to an unnamed source at the Department of Labor. Later, *The Guardian* posted a

version of the article which attributed the comments to me, which was authorized by the Office of Press Affairs and consistent with long standing Department policy as I was the official designated to respond to media inquiries routed to me. I reviewed the quotes attributed to me shortly after the article was released and they appeared roughly accurate, with the exception that I don't recall using the word "findings." I believe I used the word "analyses," as that is the term I typically use in this context.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in Los Angeles, California on April 25, 2017.



JANET M. HEROLD  
Regional Solicitor